

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

**DONALD L. BLANKENSHIP,**

**Movant,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**Civil Action No. 5:18-00591  
(Criminal Action No. 5:14-00244)**

**ORDER**

Pending before the Court is Movant's "Motion for Extension of Time to Submit a Memorandum in Support of Motion to Vacate Pursuant to 28 U.S.C. § 2255" (Document No. 664), filed by counsel, Howard C. Vick, Benjamin L. Hatch, and W. Henry Jernigan, Jr., on April 18, 2018. In support of his Motion, Movant explains that he "understands that the Department of Justice's Office of Professional Responsibility ("OPR") is conducting an investigation into the conduct of the prosecutors in [Movant's] case" and "the findings of the OPR report are likely to add material information to the subject matter of the Section 2255 Motion." (*Id.*) Movant states that he expects that the OPR will issue its reports in the near future and "the interest of justice will be best served if [Movant] has the opportunity to address that information in his briefing." (*Id.*) Movant further contends that he has "learned of relevant new material as recently as April 6, 2018, and it is likely that more may come to light in the coming weeks." (*Id.*) Accordingly, Movant requests an extension of time to file his Memorandum in Support "until an appropriate date after the OPR report has been issued." (*Id.*) For good cause shown, it is hereby **ORDERED** that Movant's Motion (Document No. 664) is **GRANTED**. Movant shall file his Memorandum in Support of his Section 2255 Motion on or before **June 4, 2018**.

Pursuant to the provisions of Rules 1(a) and 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts, it is hereby **ORDERED** that the United States shall file an Answer to the allegations contained in the Movant's Section 2255 Motion **no later than 45 days after the filing of Movant's Memorandum in Support**. The United States' Answer shall be in conformity with Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts. The Movant may, if he wishes, file a Reply or Objections to the United States' Answer **within 14 days after the filing of the Answer**.

The Clerk is requested to transmit a copy of this Order to counsel of record.

ENTER: April 23, 2018.



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Omar J. Aboulhosn  
United States Magistrate Judge